

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE  
BOARD MEETING  
THURSDAY FEBRUARY 5, 2009  
INDIANA GOVERNMENT CENTER SOUTH  
402 W WASHINGTON STREET, CONFERENCE CENTER, ROOM A  
INDIANAPOLIS, IN 46204**

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

Matthew Drury, Chairman  
Samuel Frain  
Paul St. Pierre  
James Todd  
Anne M. Patterson  
Theodore Mau, Vice Chairman  
John Gerlach  
David McComb  
Roland Cutter  
Corey Ealy, State Board of Health

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Richard Bramer, Deputy Attorney General  
Jeanne Tucker, Compliance Officer  
Joseph Basile, Deputy Attorney General  
Jason Gross, Deputy Attorney General

**MINUTES TRANSCRIBED AND  
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 09-01  
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by M. Drury, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE NO. 09-02  
ADOPTION OF THE FEBRUARY 5, 2009 AGENDA AS AMENDED**

S. Frain moved to adopt the February 5, 2009 agenda as amended. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 09-03  
JAMES TODD, NEW FUNERAL DIRECTOR BOARD MEMBER**

James Todd was appointed to the board to serve as a funeral director member.

**MINUTE NO. 09-04  
APPOINTMENT OF FUNERAL COMPLAINTS LIAISON TO THE ATTORNEY GENERAL'S OFFICE TO  
REPLACE DAVID MCCOMB**

M. Drury moved to appoint P. St. Pierre as the funeral complaints liaison to the Attorney General's office to replace David McComb.

**MINUTE NO. 09-05**

**ADOPTION OF THE MINUTES OF DECEMBER 4, 2008 MEETING**

S. Frain moved to adopt the minutes of the December 4, 2008 meeting. C. Ealy seconded the motion. Motion carried.

**MINUTE NO. 09-06**

**CONSIDERATION OF APPLICATIONS FOR RENEWAL AND PERSONAL APPEARANCES**

Terrell A. Broady, FD09100025, failed to appear before the board. M. Drury moved to deny the application for renewal. P. St. Pierre seconded the motion. Motion carried.

Michael T. Fields, FD29500031 appeared before the board. M. Drury moved to renew the license on indefinite probation under the guidelines set forth by the Franklin court. He has the right to petition for withdrawal of probation when he is released from his criminal probation. T. Mau seconded the motion. Motion carried.

James H. Fife, FD01018573, failed to appear before the board. Mr. Fife's brother contacted the agency via telephone to notify the board James H. Fife was incarcerated for personal tax evasion and would not be in attendance at the board meeting. P. St. Pierre moved to deny the application for renewal in the matter of James H. Fife, FD01018573. S. Frain seconded the motion. Motion carried.

William E. Henry, FD20200017, appeared before the board. Mr. Henry indicated he had his documentation in his car. The board instructed him to retrieve the documentation and return to the meeting. Mr. Henry did so, however he left the meeting again without returning and without providing the board with documentation.

Terry Joe Loy, FD08800266, appeared before the board. M. Drury moved to renew the license. P. St. Pierre seconded the motion. Motion carried.

Frank Edward Pearce, FD09000046, appeared before the board. M. Drury moved to renew the license. S. Frain seconded the motion. Motion carried.

Dale C. Tranbarger, FD29800108, appeared before the board. M. Drury moved to renew the license. A. Patterson seconded the motion. Motion carried.

**MINUTE NO. 09-07**

**APPLICATION FOR FUNERAL HOME LICENSE; PERSONAL APPEARANCE**

S. Frain moved to approve the application for funeral home license in the matter of Funeral Directors Service, DBA: Russell Funeral Home. J. Todd seconded the motion. Motion carried.

**MINUTE NO. 09-08**

**PERSONAL APPEARANCE IN COMPLIANCE WITH FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

S. Frain moved to issue a notice of show cause for not appearing before the board in the matter of Eddie L. Bulerain-Govain, FD29700004, SBFCS 08-20. T. Mau seconded the motion. Motion carried.

**MINUTE NO. 09-09**

**ADMINISTRATIVE HEARING REGARDING IN THE MATTER OF MEL G. LAMB, FD29300115, SBFCS 08-26**

S. Frain moved to hold Mel G. Lamb in default. A. Patterson seconded the motion. Motion carried.

S. Frain moved to permanently revoke the license in the matter of Mel G. Lamb, FD29300115, SBFCS 08-26 and notify the funeral board in Florida of the discipline. S. Frain further moved to impose a fine of \$1000 and impose the costs of the proceedings. A. Patterson seconded the motion. Motion carried.

**MINUTE NO. 09-10**

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, APPROVED**

S. Frain moved to deny the Proposed Findings of Fact, Conclusions of Law, and Order in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. J. Todd seconded the motion. A. Patterson opposed the motion. Motion carried.

**MINUTE NO. 09-11**

**ADMINISTRATIVE HEARING IN THE MATTER OF RICHARD DUANE PYKE, FD08800208, SBFCS 08-17.**

D. McComb abstained in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17.

S. Frain moved that the state proved its case regarding counts 1 and 2 of the complaint. P. St. Pierre seconded the motion. Motion carried.

P. St. Pierre moved that the state proved its case regarding count 3 of the complaint. A. Patterson seconded the motion. Voting in favor: P. St. Pierre, A. Patterson, and R. Cutter. M. Drury, J. Todd, C. Ealy, and S. Frain opposed the motion. Motion failed.

S. Frain moved that the state proved its case regarding count 3 of the complaint. P. St. Pierre seconded the motion. Motion carried.

S. Frain moved that the state proved its case regarding count 4 of the complaint. J. Todd seconded the motion. Motion carried.

A. Patterson moved that the state did not prove its case regarding count 5 of the complaint. M. Drury seconded the motion. Motion carried.

P. St. Pierre moved to place the license on indefinite probation with no right to petition for withdraw of probation for a period of twelve months in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. R. Cutter seconded the motion. Voting in favor: P. St. Pierre, R. Cutter, and A. Patterson. M. Drury, S. Frain, J. Todd, and C. Ealy opposed the motion. Motion failed.

M. Drury moved to suspend the license indefinitely with no right to petition for reinstatement for a period of twelve months and upon reinstatement, the license shall be placed on probation for a period of two years in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. J. Todd seconded the motion. Voting in favor: M. Drury, J. Todd, and S. Frain. P. St. Pierre, A. Patterson, R. Cutter, and C. Ealy opposed the motion. Motion failed.

S. Frain moved to place the license on indefinite probation with no right to petition for withdraw of probation for a period of six months in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. J. Todd seconded the motion. Voting in favor: S. Frain, J. Todd, and A. Patterson. M. Drury, P. St. Pierre, R. Cutter, and C. Ealy opposed the motion. Motion failed.

A. Patterson moved to suspend the license indefinitely with no right to petition for reinstatement for a period of six months and upon reinstatement, the license shall be placed on probation for a period of two years in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. A. Patterson further moved to impose a fine of \$1000 for counts 3 and 4 and impose the costs of the proceedings. S. Frain seconded the motion. Voting in favor: S. Frain, J. Todd, and A. Patterson. M. Drury, P. St. Pierre, R. Cutter, and C. Ealy opposed the motion. Motion failed.

P. St. Pierre moved to suspend the license indefinitely with no right to petition for reinstatement for a period of three months and upon reinstatement, the license shall be placed on probation for a period of two years in the matter of Richard Duane Pyke, FD08800208, SBFCS 08-17. A. Patterson further moved to impose a fine of \$1000 for counts 3 and 4 payable within three months from the date of the final order and impose the costs of the proceedings. A. Patterson seconded the motion. Voting in favor: P. St. Pierre, A. Patterson, J. Todd, R. Cutter, and C. Ealy. S. Frain and M. Drury opposed the motion. Motion carried.

**MINUTE NO. 09-12**

**ADMINISTRATIVE HEARING IN THE MATTER OF NORTHEAST INDIANA CREMATORY SOCIETY, SBFCS 08-19**

A. Patterson moved to issue a Notice of Proposed Default in the matter of Northeast Indiana Crematory Society, SBFCS 08-19. D. McComb seconded the motion. Motion carried.

**MINUTE NO. 09-13**

**CONSIDERATION OF RESPONDENT'S PETITION FOR RECONSIDERATION AND A DEMONSTRATION OF CONSISTENCY OF SANCTIONS IN THE MATTER OF MARVIN L. BOATRIGHT, FD01019032 (REVOKED), SBFCS 07-08**

S. Frain moved to deny the Respondent's Petition For Reconsideration and A Demonstration Of Consistency Of Sanctions in The Matter of Marvin L. Boatright, FD01019032 (revoked), SBFCS 07-08 due to untimely filing. C. Ealy seconded the motion. Motion carried.

**MINUTE NO. 09-14**

**CONSIDERATION OF MOTION FOR INCLUSION IN RECORD OF PROCEEDINGS**

The Motion for Inclusion in Record of Proceedings in the matter of Jerry Titus, FD01009259, SBFCS 08-24 And Titus Funeral Home, FH10700022; SBFCS 08-25 was accepted as part of the record.

**MINUTE NO. 09-15**

**VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

The board requested a personal appearance by Rodney Nay and the families (consumers) for all Morgan & Nay Funeral Home requests.

P. St. Pierre moved to grant restitution plus interest for all claims filed by Keith Mefford if he faxes the retail purchase contracts for review by M. Drury. J. Todd seconded the motion. Motion withdrawn.

P. St. Pierre moved to grant restitution in the amount of the current retail price of delivery only for all claims filed by Keith Mefford. A. Patterson seconded the motion. Motion carried.

S. Frain moved to deny the request for restitution due to the fact that it is not a consumer protection fund issue, rather an insurance company that can not fund the contract in the matter of H. Patrick McGann for McGann Hay Funeral Homes, Re: Dare Family; National Prearranged Services, CA20200012. P. St. Pierre seconded the motion. Motion carried.

T. Mau moved to grant restitution in the amount of \$1404.00 without interest in the matter of Clarence J. Highbaugh Sr., Re: Marshall Highbaugh; Marvin L. Boatright Funeral Service, FH10500002. A. Patterson seconded the motion. Motion carried.

**MINUTE NO. 09-16**

**APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY**

M. Drury moved to deny the application for funeral director license by Reciprocity in the matter of Sean M. Gillen due to a failing grade on the national examination. S. Frain seconded the motion. Motion carried.

**MINUTE NO. 06-17**

**CORRESPONDENCE**

Flanner and Buchanan Funeral Center – Morris Street reported the change of funeral home name to Legacy Funeral Center at Morris Street

**MINUTE NO. 09-18**

**REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

P. St. Pierre moved to approve the continuing education sponsors and courses as follows. M. Drury seconded the motion. Motion carried.

**APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION**

**Baxter Burial Vault Co., 909 East Ross Avenue, Cincinnati, OH 45217, 513-641-1010**

- Burial Vaults, The Concrete Facts, ongoing, 2 ceu

**NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS**

**Aurora Casket Company, P.O. Box 29, Aurora, IN 47001**

- National Family Business Conference, April 4, 2009, 12 ceu

**Dodge Chemical Co., 165 Cambridge Park Dr., Cambridge, MA 02140**

- The 2009 Dodge Seminar, March 16-20, 2009, 10 ceu
- Helping Grieving Children & Adolescents, March 16, 2009, 1 ceu
- Funerals of the United States Presidents, March 16, 2009, 2 ceu
- Problem Clinic, March 16, 2009, 2 ceu
- A Death in the Family, March 17, 2009, 1 ceu
- Whole Body Donation: What You Need to Know, March 17, 2009, 2 ceu
- Permission to Embalm, March 16-20, 2009, 1 ceu
- President Lincoln's Funeral, March 18, 2009, 2 ceu
- Hands-On Airbrush Workshop, March 16-20, 2009, 2 ceu
- Hair Restoration, March 16-20, 2009, 1 ceu
- Embalming Roundtable Discussions & Group Reports, March 16-20, 2009, 2 ceu
- Embalming Tricks & Treats, March 16-20, 2009, 1 ceu
- Eye, Lip, & Neck Restoration, March 16-20, 2009, 2 ceu

**Epsilon Nu Delta Mortuary Fraternity, Inc., P.O. Box 3057, Newark, NJ 07103**

- Funeral Ethics, February 27, 2009, 1 ceu
- OSHA Update, February 27, 2009, 1 ceu

**Flanner & Buchanan Funeral Centers, 635 E. Market St., Indianapolis, IN 46202**

- Mission Day, February 4, 2009, 5 ceu

**Hospice Foundation of America, 1621 Connecticut Avenue NW, Suite 300, Washington, DC 20009**

- HFA's 16<sup>th</sup> Annual National Bereavement Teleconference, Diversity and End-of-Life Care, 2009, ongoing, 3 ceu

**International Cemetery, Cremation & Funeral Association, 107 Carpenter Dr., Ste. 100, Sterling, VA 20164**

- ICCFA Annual Convention & Exposition, April 20-23, 2009, 17 ceu

**Ivy Tech Community College, 410 E. Columbus Dr., East Chicago, IN 46312**

- Burial Vaults & Cremation 101, December 2, 2008, 2 ceu

**MKJ Marketing, 1501 Belcher Road South, Building B, Largo, FL 33771**

- Receptions "The Advanced Course", February 9-12, 2009 and March 9-10, 2009, 8 ceu

➤ Event Planning, March 11-12, 2009, 8 ceu

**MINUTE NO. 09-19  
RULES COMMITTEE**

The committee did not meet.

**MINUTE NO. 09-20  
PAYMENT OF THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS,  
INC. 2009 DUES FROM THE EDUCATION FUND**

The board approved payment of the 2009 International Conference of Funeral Service Examining Boards, Inc. dues from the education fund due to agency budget constraints. This will ensure the board receives examination results directly from the International Conference of Funeral Service Examining Boards, Inc.

**MINUTE NO. 09-21  
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 5:40 p.m.

Dated: April 2 2009

Matthew S. Drury  
Matthew Drury,  
Chairman

Attest: Tracy Hicks  
Tracy Hicks, Board Director